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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/805,273	03/22/2004	Michael Harris	25170.0002	8980
23517 7590 09/13/2007 BINGHAM MCCUTCHEN LLP 2020 K Street, N.W. Intellectual Property Department WASHINGTON, DC 20006			EXAMINER BELL, CORY C	
			ART UNIT 2164	PAPER NUMBER
			MAIL DATE 09/13/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/805,273

Applicant(s)

HARRIS, MICHAEL

Examiner

Cory C. Bell

Art Unit

2164

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 June 2007.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) 19-25 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.


SAM RIMELL
PRIMARY EXAMINER

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1-18 have been examined.

Response to Arguments

Applicant's arguments on 6/22/2007 have been fully considered and are not persuasive.

All instant amendments are taught by Fallon as shown bellow. Applicant's arguments with regards to Fallon rely on non-claim subject matter. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

With regards to the rejection under 103 applicant incorrectly states that nothing in the reference would have encouraged on to try iterative solutions to achieve a better compression rations. Applicant is directed to Fallon Col 4 lines 30-32.

With regards to applicant's arguments as to the use of the PKZIP reference; applicant's arguments are not persuasive. In response to applicant's arguments against the references individually, i.e. the allegation that PKZIP is not self-sustaining, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). It is also noted that the teaching of the limitation in the prior art shows that it known by one of ordinary skill in the art how to provide that feature. Last, the allegation that PKZIP would not have been available is incorrect. As published prior art available in the public domain is always available to the person of ordinary skill, and there is not suggestion that PKZIP's teachings were secret or otherwise not in the public domain.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-5 are rejected under 35 U.S.C. 102(b) as being anticipated by US 6195024, known hereafter as Fallon.

3. Claim 1 is anticipated by Fallon as follows:

A data compression method, comprising: analyzing data based on a plurality of algorithms to determine a plurality of compression ratio each compression ratio being based on each algorithm and the data;(Figure 2, col 8 lines 5-10) and compressing the data based on one of the plurality of the algorithms that produces the best compression ratio for that particular data. (Figure 4 item 322, col 9 lines 4-9)

4. Claim 2 is anticipated by Fallon as follows:

The data compression method according to claim 1, wherein the compressed data includes at least one index file that references the algorithm that produces the best compression ratio.(Figure 4 item 324)

5. Claim 3 is anticipated by Fallon as follows:

3. The data compression method according to claim 2, further comprising decompressing the

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compressed data based on a last index file that is attached to the data. (Figure 12 items 1204, 1210, and 1212)

6. Claim 4 is anticipated by Fallon as follows:

4. The data compression method according to claim 1, wherein said algorithms remove and index repeating bit patterns. (Col 3 lines 43-52 and Col 7 lines 24-46)

7. Claim 5 is anticipated by Fallon as follows:

5. The data compression method according to claim 2, wherein the compression generates an encrypted data stream output. (Figure 2)

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 10-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 6195024, known hereafter as Fallon.

10. *As per claim 10*, Fallon teaches the initial compression iteration, see claim 1 rejection above, but fails to expressly disclose the second iteration. However it would have been obvious to one of ordinary skill in the art at the time of the invention to do a second iteration, as it is a duplication of parts for a multiple effect, and it would have been obvious to do so to yield the predictable result of improve the compression ratio by compressing the data again. Also see *In Re Harza*, 274 F.2d 669, 671, 124 USPQ 378, 380 (CCPA 1960). See Also Col 4 lines 30-32.

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11. Claim 11 is taught by Fallon as follows:

See Claim 4 rejection.

12. Claim 12 is taught by Fallon as follows:

See Claim 2 rejection.

13. Claim 13 is taught by Fallon as follows:

See Claim 2 rejection.

14. Claim 14 is taught by Fallon as follows:

See Claim 2 rejection.

15. Claim 15 is taught by Fallon as follows:

See Claim 3 rejection.

16. Claims 6-9, and 16-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 6195024, known hereafter as Fallon, in view of PKZIP Command Line Reference, archived 2/3/2003.

17. *As per Claims 6*, Fallon teaches limitations of claim 1, but fails to expressly disclose, wherein the compression is initiated manually or automatically based on a command from a user interface. However, this feature is taught by PKZIP "add." Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention to include this feature to give a user control over the compression.

18. *As per Claims 7*, Fallon teaches limitations of claim 1, but fails to expressly disclose, wherein a portion of the compressed data is decompressed based on said command.

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However, this feature is taught by PKZIP "Extract" and "all." Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention to include this feature to give a user control over the compression.

19. *As per Claims 8*, Fallon teaches limitations of claim 1, but fails to expressly disclose, wherein the additional data is compressed and associated with the compressed data automatically. However, this feature is taught by PKZIP "add," being placed in the same zip file creates an automatic association. Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention to include this feature to give a user control over the compression.

20. *As per Claims 9*, Fallon teaches limitations of claim 1, but fails to expressly disclose, compressing and associating a descriptive tag to said data based on the user interface.. However, this feature is taught by PKZIP "attributes," "comment," or "header." Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention to include this feature to give a user control over the compression and the creation of the file.

21. Claim 16 is taught by Fallon as follows:

See Claim 7 rejection.

22. Claim 17 is taught by Fallon as follows:

See Claim 8 rejection.

23. Claim 18 is taught by Fallon as follows:

See Claim 9 rejection.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cory C. Bell whose telephone number is (571) 272 2736. The examiner can normally be reached on m-f 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Rones can be reached on (571) 272 4085. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


SAM RIMELL
PRIMARY EXAMINER